

CCRB INVESTIGATIVE RECOMMENDATION

| | | | | | |
|---|-------------------------------------|--|---|---|---------------------------------|
| Investigator: Scott Carlton | Team: Squad #16 | CCRB Case #: 201708034 | <input checked="" type="checkbox"/> Force | <input checked="" type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input checked="" type="checkbox"/> Abuse | <input checked="" type="checkbox"/> O.L. | <input type="checkbox"/> Injury |
| Incident Date(s) Monday, 09/11/2017 5:00 PM, Friday, 09/22/2017, Thursday, 03/22/2018 | Location of Incident: § 87(2)(b) | Precinct: 18 | 18 Mo. SOL 3/11/2019 | EO SOL 3/11/2019 | |
| Date/Time CV Reported Thu, 09/28/2017 6:17 PM | CV Reported At: CCRB | How CV Reported: Call Processing System | Date/Time Received at CCRB Thu, 09/28/2017 6:17 PM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------------|--------------|
| § 87(2)(b) | § 87(2)(b) | § 87(2)(b) |
| § 87(2)(b) | § 87(2)(b) | § 87(2)(b) |

| Subject Officer(s) | Shield | TaxID | Command |
|-------------------------|--------|--------|---------|
| 1. Officers | | | MTN PCT |
| 2. An officer | | | MTN PCT |
| 3. POM Christophe Levey | 16712 | 957767 | MTN PCT |

| Witness Officer(s) | Shield No | Tax No | Cmd Name |
|----------------------------|-----------|--------|----------|
| 1. POM Alexander Delgado | 15074 | 955864 | MTN PCT |
| 2. POM Ahmed Abdalla | 07927 | 948580 | MTN PCT |
| 3. POM Dakota Kenny | 23451 | 962521 | MTN PCT |
| 4. POM John Ouellette | 22222 | 962651 | MTN PCT |
| 5. POM Michael Caccioppoli | 02665 | 961663 | MTN PCT |
| 6. POF Bernice Pacheco | 25234 | 935448 | MTN PCT |
| 7. POM John Staines | 09819 | 957189 | MTN PCT |
| 8. POM Michael Tommasino | 20873 | 954376 | MTN PCT |
| 9. POM Shreeganes Meade | 00867 | 949315 | MTN PCT |
| 10. POM Noel Nanton | 24164 | 937194 | MTN PCT |
| 11. POM Michael Marotta | 21500 | 959789 | MTN PCT |
| 12. SGT Jesse Taylor | 04304 | 924658 | MTN PCT |

| Officer(s) | Allegation | Investigator Recommendation |
|------------------------|---|-----------------------------|
| A.POM Christophe Levey | Off. Language: On September 11, 2017, Police Officer Christopher Levey made remarks to § 87(2)(b) based upon the gender of § 87(2)(b) | § 87(2)(b) |
| B.POM Christophe Levey | Force: On September 11, 2017, Police Officer Christopher Levey used a chokehold against § 87(2)(b) | § 87(2)(b) |
| C.POM Christophe Levey | Force: On September 11, 2017, Police Officer Christophe Levey used physical force against § 87(2)(b) | § 87(2)(b) |
| D. An officer | Discourtesy: On September 11, 2017, an officer spoke discourteously to § 87(2)(b) | § 87(2)(b) |
| E. An officer | Force: On September 11, 2017, an officer used physical force against § 87(2)(b) | § 87(2)(b) |
| F. Officers | Abuse: On September 11, 2017, officers forcibly removed § 87(2)(b) to the hospital. | § 87(2)(b) |

| Officer(s) | Allegation | Investigator Recommendation |
|-----------------------|---|-----------------------------|
| G. An officer | Force: On September 22, 2017, an officer used a chokehold against § 87(2)(b) | |
| H. An officer | Discourtesy: On September 22, 2017, an officer spoke discourteously to § 87(2)(b) | |
| I. Officers | Force: On September 22, 2017, officers used physical force against § 87(2)(b) | |
| J. Officers | Force: On September 22, 2017, officers used physical force against § 87(2)(b) | |
| K. An officer | Abuse: On September 22, 2017, an officer damaged § 87(2)(b)'s property. | |
| L. Officers | Force: On September 22, 2017, officers used physical force against § 87(2)(b) | |
| M. An officer | Force: On September 22, 2017, an officer used physical force against § 87(2)(b) | |
| N. Officers | Abuse: On September 22, 2017, officers forcibly removed § 87(2)(b) to the hospital. | |
| § 87(4-b), § 87(2)(g) | | |

Case Summary

On September 28, 2017, § 87(2)(b) reported the following complaint through the Civilian Complaint Review Board's (CCRB) call processing system (Board Review 01).

On September 11, 2017 at approximately 5:00 p.m., a staff member of the § 87(2)(b) in Manhattan, called 911 when § 87(2)(b) had a panic attack in the lobby. § 87(2)(b) went upstairs, where she encountered eight police officers in a hallway. Police Officer Christopher Levey called § 87(2)(b) a "bitch" (**Allegation A: Offensive Language**, § 87(2)(g)). Police Officer Levey proceeded to lift § 87(2)(b) by the neck with one hand and push her against a wall (**Allegation B: Force, unsubstantiated**). Police Officer Levey then kicked § 87(2)(b) three to four times in the back (**Allegation C: Force**, § 87(2)(g)). § 87(2)(b) was placed in an ambulance, at which time her husband, § 87(2)(b) entered the ambulance in order to accompany § 87(2)(b). An officer told § 87(2)(b) "Get the fuck out of here" (**Allegation D: Discourtesy**, § 87(2)(g)). The officer then pushed § 87(2)(b) out of the ambulance (**Allegation E: Force**, § 87(2)(g)). § 87(2)(b) was forcibly removed and transported to § 87(2)(b) (**Allegation F: Abuse of Authority**, § 87(2)(g)). No arrests were made or summons issued.

On September 22, 2017 at approximately 9:36 p.m., § 87(2)(b) ran into the § 87(2)(b) Manhattan and through the metal detectors in the lobby in route to her room with a knife in her possession. She disposed of the knife as security personnel called 911. Eight officers encountered § 87(2)(b) in the hallway outside her room. An officer grabbed § 87(2)(b) by the neck and lifted her upward (**Allegation G: Force**, § 87(2)(g)). The officer proceeded to say, "Where the fuck is the knife?" (**Allegation H: Discourtesy**, § 87(2)(g)). § 87(2)(b) was kicked five to six times in the legs and stomach by approximately six officers (**Allegation I: Force**, § 87(2)(g)). § 87(2)(b) was pushed by an officer as she walked toward the bathroom (**Allegation J: Force**, § 87(2)(g)). As § 87(2)(b) exited the bathroom, an officer pushed her to the floor so that she hit her head on a wall (**Allegation J, continued**). § 87(2)(b) glasses fell off and were damaged because an officer intentionally stepped on them (**Allegation K: Abuse of Authority**, § 87(2)(g)). Two officers held § 87(2)(b) by either arm and dragged her face-down into the elevator and out to the front of the § 87(2)(b) so that her stomach was on the ground and she could not gain her footing (**Allegation L: Force**, § 87(2)(g)). § 87(2)(b) was placed in an ambulance, where an officer sat on her (**Allegation M: Force**, § 87(2)(g)). § 87(2)(b) was forcibly removed to § 87(2)(b) against her wishes (**Allegation N: Abuse of Authority**, § 87(2)(g)). No arrests were made or summons issued.

§ 87(4-b), § 87(2)(g)

Video footage of the incident was not obtained in the course of the investigation.

Findings and Recommendations

Allegation (A) Offensive Language: On September 11, 2017, Police Officer Christopher Levey made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)

§ 87(2)(g)

Police Officer Christopher Levey was identified as the subject officer because, of the officers that the event documents and roll call indicate were present, § 87(2)(b) description of the subject officer most closely matches the pedigree of Police Officer Levey (Board Review 13 and 14).

§ 87(2)(b) stated that she encountered eight police officers in the hallway outside her bedroom (Board Review 02). Police Officer Levey, whom § 87(2)(b) had never seen before, immediately referred to § 87(2)(b) as a “bitch.”

Police Officer Levey stated that he and his partner, Police Officer Alexander Delgado, responded to a job involving an emotionally disturbed person (Board Review 04). Police Officer Levey had no further knowledge of the incident before he arrived at the location with approximately eleven other officers. Police Officer Levey encountered § 87(2)(b) whom he had never seen before, in a hallway that extended off of the lobby to a bathroom. Police Officer Levey did not call § 87(2)(b) a “bitch.”

Police Officer Dakota Kenny and Police Officer John Ouellette were assigned to the Field Training Unit during the incident and responded as backup (Board Review 06). Police Officer Ouellette and Police Officer Kenny stood, with their training officer, Police Officer Ahmed Abdalla, about ten feet back from the officers who interacted with § 87(2)(b). Police Officer Kenny heard screams from down the hallway, though he did not remember what words were said, if any. Police Officer Kenny did not hear an officer call § 87(2)(b) a “bitch,” or use other offensive language toward § 87(2)(b).

§ 87(2)(g)

Allegation (B) Force: On September 11, 2017, Police Officer Christopher Levey used a chokehold against § 87(2)(b)

Allegation (C) Force: On September 11, 2017, Police Officer Christopher Levey used physical force against § 87(2)(b)

It is in dispute whether Police Officer Levey used force against § 87(2)(b).

§ 87(2)(b) stated that Police Officer Levey lifted her by the neck with his hand and pushed her against a wall (Board Review 02). § 87(2)(b) felt pain in her back as she made impact with the wall and later had a bruise on her neck where she was grabbed. § 87(2)(b) fell to the floor with her back on the ground. As she turned herself onto her stomach in order to attempt to stand up, Police Officer Levey kicked her three or four times in the back. § 87(2)(b) sustained bruising on her stomach, arms, and elsewhere.

§ 87(2)(b) the boyfriend of § 87(2)(b) who § 87(2)(b) observed three police cars arrive from his bedroom window and went downstairs to determine what had occurred (Board Review 03). In the lobby, § 87(2)(b) lay on the floor in an attempt to resist arrest. Two officers whose appearance § 87(2)(b) could not recall each grabbed one of § 87(2)(b) arms and twisted it back in order to pull § 87(2)(b) up from the ground. The officers escorted § 87(2)(b) outside to an ambulance. No other officers touched § 87(2)(b) in the lobby.

Police Officer Levey stated that § 87(2)(b) lay on the ground for an extended period of time, though he could not remember how long, in order to resist removal from the location (Board Review 04). Police Officer Levey did not remember how § 87(2)(b) was eventually transported from the floor to the ambulance. He did not remember if § 87(2)(b) was put in handcuffs. § 87(2)(b) was brought outside. She was not hurt or injured, and did not complain of being hurt or injured as far as Police Officer Levey knew. Police Officer Levey assumed, because a Threat, Resistance, and Injury Incident Worksheet (TRI) was not completed, that § 87(2)(b) was not injured. Police Officer Levey did not push § 87(2)(b) against a wall by the neck, or kick § 87(2)(b) in the back.

Police Officer Ouellette and Police Officer Kenny could not, from where they stood next to Police Officer Abdalla, see § 87(2)(b) prior to her apprehension given her location in the hallway and the presence of other officers around her who blocked their view (Board Review 05 and 06). Police Officer Ouellette stood in the same location for 30 to 40 minutes before § 87(2)(b) was escorted past him toward the building exit (Board Review 05). § 87(2)(b) arms were handcuffed behind her back, though Police Officer Ouellette had not seen officers place handcuffs on her. He believed a male officer held her right arm around the bicep as she walked so that she did not flee.

Police Officer Kenny (Board Review 06) heard noises from down the lobby hallway that sounded as if somebody had kicked a table or door. When § 87(2)(b) was eventually escorted past him, she did not appear to be injured, bruised, or otherwise marked. Police Officer Kenny did not hear § 87(2)(b) complain of injuries or pain. An EMT held her left arm while a male officer grasped her right forearm or wrist with all his fingers. He did not know if an officer had lifted § 87(2)(b) by the neck and pushed her against a wall and did not see any officer kick § 87(2)(b) in the back.

Photograph 5A and Photograph 6A were taken on January 17, 2018 at the CCRB (Board Review 07 and 08). They depict the screen of § 87(2)(b) cellphone, on which photographs that § 87(2)(b) took on an unknown date of § 87(2)(b) back are shown. § 87(2)(b) presented the images on a cellphone screen on January 17, 2018 as evidence of what she stated were two

small bruises in the middle of her back. The photographs were included among two sequences of images of § 87(2)(b) alleged injuries sustained on September 11, 2017 and September 22, 2017. While the dates on which the photographs were taken was not displayed on the screen, they were stored sequentially in the phone, such that the first set of photographs preceded and was separated by photographs unrelated to the incident from the second sequence of photographs. The two sequences of photographs are visually differentiable by the lighting conditions in which they were taken. Based on this information, Photograph 5A and Photograph 6A appear to have been part of the first sequence of photographs which were taken at an earlier date than the second sequence. As such, the photographs were likely taken following the September 11, 2017 incident, even though § 87(2)(b) stated that the injuries depicted in them were sustained on September 22, 2017.

Photograph 8B and Photograph 9B were taken on January 17, 2018 at the CCRB (Board Review 09 and 10). § 87(2)(b) presented the images, taken by § 87(2)(b) on a cellphone screen as evidence of red marks on her neck that resulted from either the incident on September 11, 2017 or September 22, 2017. The documents were included in the second sequence of photographs, likely taken after the September 22, 2017 incident. § 87(2)(b) additionally stated that the injuries depicted were sustained on September 22, 2017.

§ 87(2)(b) medical records, obtained from § 87(2)(b), state that § 87(2)(b) was brought to the hospital as an emotionally disturbed person (Board Review 11). No injuries were noted on her person upon her arrival. § 87(2)(b) was given a working diagnosis of substance induced mood disorder.

§ 87(2)(b) allegations that Police Officer Levey used a chokehold on her and kicked her were not corroborated by any of the police officers' accounts. The statements of the officers, none of whom recalled any injuries to § 87(2)(b) were corroborated by the account of § 87(2)(b). The value of the photographs as evidence that the alleged force took place is compromised both by the poor quality of the images and by date inconsistencies. Photographs 5A and 6A appear to show minor or no bruising on the back, which is inconsistent with three to four kicks to the back. Photographs 8B and 9B, however, clearly show visible red marks on the neck that are consistent with fingerprints and therefore would seem to support the allegation that Police Officer Levey grabbed § 87(2)(b) by the neck. However, the photographs appear to correspond to those taken after the September 22, 2017 incident rather than the September 11, 2017 incident. Hospital records indicate that § 87(2)(b) was admitted and treated for mental health and substance abuse issues rather than for injuries sustained.

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

Allegation (D) Discourtesy: On September 11, 2017, an officer spoke discourteously to

§ 87(2)(b)

Allegation (E) Force: On September 11, 2017, officers used physical force against

§ 87(2)(b)

§ 87(2)(b) stated that he entered the ambulance after § 87(2)(b) was put inside it in order to accompany her to the hospital (Board Review 03). Two officers inside the ambulance forced § 87(2)(b) out of the ambulance because they felt threatened by him. One officer was a Hispanic male and the other was a white male.

§ 87(2)(b) stated that § 87(2)(b) was told by an officer inside the ambulance to “get the fuck out of here” (Board Review 02). The officer used his hand to push § 87(2)(b) out of the back of the ambulance (Board Review 12). § 87(2)(b) fell on his hands and knees on the pavement outside the ambulance. § 87(2)(b) did not provide a description of the subject officer in the ambulance (Board Review 02 and 12).

The officer testimonies vary in regard to whether or not officers entered the ambulance and provide no description of who those officers might have been. Police Officer Levey did not identify any officers who entered the ambulance and did not know which unit, if any, accompanied § 87(2)(b) to the hospital (Board Review 04). Police Officer Ouellette believed that two EMTs were present and secured § 87(2)(b) in the ambulance by themselves, though he did not see § 87(2)(b) being placed in the ambulance (Board Review 05). Police Officer Kenny believed that an EMT as well as police officers had put § 87(2)(b) in the ambulance, though he did not describe those officers (Board Review 06).

The Event Unit Information for Event § 87(2)(b) shows that unit D-3 and the Field Training Unit responded to the incident (Board Review 13). The roll call indicates that D-3 was comprised of Police Officer Levey and Police Officer Alexander Delgado, while Police Officer Abdalla, Police Officer Kenny, and Police Officer Ouellette were assigned to the Field Training Unit (Board Review 14). The Resource Recap Log for September 11, 2017 confirms that these officers responded to the incident (Board Review 15). Police Officer Ouellette and Police Officer Kenny stated the Field Training Unit did not directly engage with § 87(2)(b) (Board Review 05 and 06), in which case Police Officer Levey and Police Officer Delgado were most likely, of the officers indicated as present on the Event Unit Information Sheet, to have entered the ambulance with § 87(2)(b). Police Officer Delgado and Police Officer Levey match § 87(2)(b) descriptions of a Hispanic and a white male officer. However, the investigation does not possess evidence to determine which officer was discourteous and forceful toward § 87(2)(b).

No documentation could be obtained by the investigation from The New York City Fire Department (NYPD) or § 87(2)(b) in regard to the transport of § 87(2)(b) to the hospital and any officers that may have been present in the ambulance (Board Review 16 and 17).

§ 87(2)(g)

§ 87(2)(g)

Allegation (F) Abuse of Authority: On September 11, 2017, officers forcibly removed § 87(2)(b) to the hospital.

It is undisputed that officers forcibly removed § 87(2)(b) to the hospital on § 87(2)(b). § 87(2)(b) stated she had a panic attack in the lobby of the § 87(2)(b) as staff members called 911 (Board Review 02). She continued to experience a panic attack throughout her interaction with the officers.

When Police Officer Levey first saw § 87(2)(b) she lie on the floor kicking and screaming, “like a child who did not want to go to sleep” (Board Review 04).

Police Officer Kenny stated that, as § 87(2)(b) was escorted past him, she appeared as if she was in withdrawal from a medication (Board Review 06).

The initial remarks, obtained from a call placed by an § 87(2)(b) staff member and summarized by the NYPD operator, in the Event Information for Job § 87(2)(b) refer to an intoxicated AIDED female who was “trying to fight” people and was “hostile” (Board Review 13).

Medical records from § 87(2)(b) state that § 87(2)(b) was brought in as an emotionally disturbed person (Board Review 11). § 87(2)(b) told staff that she had been off of her regular medication regimen because somebody at the shelter had stolen her medicine. A clerk at the § 87(2)(b) informed the hospital that § 87(2)(b) had run into the elevator and banged her head against the door. She then proceeded to pull her pants down to her ankles and shout that she needed to use the restroom.

Patrol Guide Procedure 221-13 states that a person is considered to be emotionally disturbed, and therefore must be taken into protective custody, when she appears to be mentally ill or temporarily deranged and is conducting herself in a manner which a police officer reasonably believes is likely to result in serious injury to herself or others (Board Review 18).

§ 87(2)(g), § 87(2)(b)

Allegation (G) Force: On September 22, 2017, an officer used a chokehold against

§ 87(2)(b)

Allegation (H) Discourtesy: On September 22, 2017, an officer spoke discourteously to

§ 87(2)(b)

§ 87(2)(b) alleged that the same large male who was present on September 11, 2017 was also present on September 22, 2017 (Board Review 19). § 87(2)(b) stated that the officer, who was a large white male, 6'5" in height, and 30 years old with no notable tattoos, again grabbed her by the neck with one hand and lifted her upward (Board Review 02). He then said, "Where the fuck is the knife?" The officer dropped § 87(2)(b) to the ground. She landed face downward (Board Review 19).

§ 87(2)(b) walked down to the § 87(2)(b) where § 87(2)(b) resided after he heard noise (Board Review 03). Approximately 10 to 12 police officers walked up to the second floor as § 87(2)(b) stood in the hallway. § 87(2)(b) arms were grabbed forcefully and twisted behind her before she was escorted downstairs. § 87(2)(b) did not state that an officer lifted § 87(2)(b) by the neck or said, "Where the fuck is the knife?"

Police Officer Bernice Pacheco responded to the job as back-up with Police Officer Michael Caccioppoli (Board Review 20). Neither officer saw another officer grab § 87(2)(b) by the neck or heard an officer say, "Where the fuck is the knife?" Both officers denied that they performed these actions (Board Review 20 and 21).

The roll call, Resource Recap Log, and Event documentation for September 22, 2017 do not indicate that Police Officer Levey was present on September 22, 2017 (Board Review 22, 23, and 24).

§ 87(2)(g)

§ 87(2)(g)

Allegation (I) Force: On September 22, 2017, officers used physical force against § 87(2)(b)

Allegation (J) Force: On September 22, 2017, officers used physical force against § 87(2)(b)

Allegation (K) Abuse of Authority: On September 22, 2017, an officer damaged § 87(2)(b) property.

Allegation (L) Force: On September 22, 2017, officers used physical force against § 87(2)(b)

§ 87(2)(b) stated that after she was dropped to the floor face downward, she attempted to raise herself up but approximately six officers kicked her five or six times in the legs and stomach (Board Review 19). As § 87(2)(b) walked toward the restroom, she was pushed by an officer. After § 87(2)(b) used the restroom and walked into the hallway, a male officer pushed her to the floor so that she hit her head on the wall. As she fell, her glasses fell off. § 87(2)(b) believed an officer stepped on and broke the glasses intentionally. Two male officers grabbed each of § 87(2)(b) arms and dragged her, face down, from the second floor of the § 87(2)(b) to the exterior of the facility. Her stomach dragged on the ground and she could not gain her footing.

§ 87(2)(b) was unable to provide detailed descriptions of the seven other officers who were present except that one was female and the others were all males (Board Review 19). § 87(2)(b) could not specify which officers performed what actions. She had difficulty identifying the officers because she was unable to see them after her glasses fell off.

In their statements, the officers consistently denied that they had performed any of the alleged actions and stated that they did not know who did. Police Officer Bernice Pacheco did not recall which officers were present besides herself and Police Officer Caccioppoli (Board Review 20). Police Officer Pacheco did not remember any details as to how § 87(2)(b) was taken into custody and by whom. Police Officer Caccioppoli stated that several officers, though fewer than ten, responded to the incident (Board Review 21). All of the officers present spoke to § 87(2)(b) in order to try to calm her down. PO Caccioppoli did not recall how § 87(2)(b) was handcuffed or by whom. He did not know if he helped to handcuff her.

The Event Unit Information for Even § 87(2)(b) shows that Units C-3, D-3, ST-1, and K-3 responded to the incident (Board Review 22). The roll call indicates that Police Officer John Staines, Police Officer Michael Tommasino, Police Officer Shreeganes Meade, Police Officer Noel Nanton, Police Officer Michael Marrotta, Sergeant Jesse Taylor, Police Officer Pacheco, and Police Officer Caccioppoli were assigned to these units (Board Review 23). The Resource Recap Log for September 22, 2017 confirms that these officers responded to the incident (Board Review 24). However, Police Officer Tommasino and Police Officer Staines both recorded in their memo books that they were at 620 5th Avenue at the time of the incident and did not recall being present at the incident (Board Review 25, 26, 27, and 28). Sergeant Taylor likewise did not remember that he had responded to the incident (Board Review 29). The occurrence was not noted in Sergeant Taylor's memo book (Board Review 30). He had no entries from 5:20 p.m. until 11:47 p.m.

§ 87(2)(g)

Allegation (M) Force: On September 22, 2017, an officer used physical force against

§ 87(2)(b)

§ 87(2)(g)

§ 87(2)(b) stated that, once in the ambulance, four pairs of handcuffs were used to secure her to a stretcher. A male laughed at § 87(2)(b) and proceeded to sit on her (Board Review 19).

§ 87(2)(b) stated that no ambulance was present at the scene (Board Review 03). Rather, § 87(2)(b) was seated between two officers in a marked NYPD sedan which transported her to § 87(2)(b). An officer who remained behind after the sedan had departed explained to § 87(2)(b) that § 87(2)(b) was transported in a police vehicle because it would have taken too long for an ambulance to arrive.

Police Officer Pacheco's and Police Officer Cacciopoli's statements, as well as Event § 87(2)(b) documentation corroborated § 87(2)(b) claims that § 87(2)(b) was transported to the hospital in a police vehicle rather than an ambulance (Board Review 20, 21 and 22).

§ 87(2)(g)

Allegation (N) Abuse of Authority: On September 22, 2017, officers forcibly removed
§ 87(2)(b) **to the hospital.**

It is undisputed that officers forcibly removed § 87(2)(b) to the hospital on § 87(2)(b)

§ 87(2)(b) stated that immediately prior to her encounter with the police on this date she carried a concealed knife due to her "mental issues," but she did not use it or make it visible (Board Review 12). Afterward, § 87(2)(b) entered the § 87(2)(b). She passed through the metal detectors at the entrance and ran to the second floor, where she disposed of the knife in a hallway garbage receptacle. § 87(2)(b) was "hyper." A security guard at the § 87(2)(b) told § 87(2)(b) that she had to go to the hospital and proceeded to call 911. When the officers arrived, § 87(2)(b) began to have a panic attack (Board Review 19). The officers did not want

§ 87(2)(b) to use the restroom, so § 87(2)(b) threatened to pull her pants down and “take a piss and a shit right here” in the hallway.

Police Officer Pacheco and Police Officer Caccioppoli had responded to an incident in which § 87(2)(b) was in a dispute with her neighbor at the § 87(2)(b) earlier in the evening (Board Review 20). When Police Officer Pacheco first saw § 87(2)(b) she screamed incoherent accusations at her neighbor. § 87(2)(b) repeatedly explained to the officers that § 87(2)(b) was off of her medications and that he would calm her down. Police Officer Pacheco and Police Officer Caccioppoli departed the location because § 87(2)(b) appeared stable and stated that he would care for § 87(2)(b). Later in the evening, Police Officer Pacheco and Police Officer Caccioppoli received a radio run that a suspect at the § 87(2)(b) had a knife. § 87(2)(b) appeared to be in worse condition than before upon their arrival. She was more “irate” and “out of control,” screaming loudly. She did not listen to anybody around her. § 87(2)(b) was clearly an emotionally disturbed person. § 87(2)(b) was taken to a hospital.

Police Officer Caccioppoli’s account of the preceding incident that evening in which he had responded to § 87(2)(b) at the § 87(2)(b) was consistent with that of Police Officer Pacheco (Board Review 21). The second incident came over the radio as a job involving an emotionally disturbed person. Upon his arrival, § 87(2)(b) became increasingly “irate” as the officers explained they would get her help at the hospital. Police Officer Caccioppoli did not know that any particular officer was in charge and did not believe a supervisor was on scene.

At 9:36 p.m., the remark on Event § 87(2)(b) a summary of information received by the NYPD from the caller at the § 87(2)(b), reads, “EDP had knife – Doesn’t have it anymore – mental history” (Board Review 22). Seven seconds later, another remark reads, “EDP violent.”

Medical records from § 87(2)(b) indicate that § 87(2)(b) stated she wanted to kill herself in triage (Board Review 11). § 87(2)(b) reported to the hospital that § 87(2)(b) had been in a fight with another woman who provoked her and that § 87(2)(b) had threatened the woman with a knife. § 87(2)(b) was reported by an unspecified source to have been on the street threatening to kill others as well as herself with a knife.

As discussed above, Patrol Guide Procedure 221-13 states that a person is considered to be emotionally disturbed, and must be taken into protective custody, when she appears to be mentally ill or temporarily deranged and conducts herself in a manner which a police officer reasonably believes is likely to result in serious injury to herself or others (Board Review 18).

On September 22, 2017, officers were told via the radio run that the incident involved an emotionally disturbed, violent individual who had recently been in possession of a knife. Police Officer Pacheco and Police Officer Caccioppoli were further aware from their first visit that § 87(2)(b) was in a severely aggravated state that might have been the result of medication withdrawal. Upon arrival the second time, § 87(2)(b) condition had worsened § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

Civilian and Officer CCRB Histories

- This is § 87(2)(b) first complaint with the CCRB. (Board Review 32).
- This is § 87(2)(b) first complaint with the CCRB (Board Review 33)
- This is the first CCRB complaint that has been filed against Police Officer Levey.

Mediation, Civil and Criminal Histories

- This case was ineligible for mediation due to the alleged injuries sustained to § 87(2)(b)
- As of April 26, 2018, neither § 87(2)(b) nor § 87(2)(b) has filed a Notice of Claim in regards to the incidents on September 11, 2017 and September 22, 2017 (Board Review 34).
- § 87(2)(b), § 87(2)(c)

Squad No.: 16

Investigator: _____

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|---------------|-----------|--------------------|-------|
| | Signature | Print Title & Name | Date |
| Squad Leader: | _____ | _____ | _____ |
| | Signature | Print Title & Name | Date |
| Reviewer: | _____ | _____ | _____ |
| | Signature | Print Title & Name | Date |